

SUIT

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Whitman prevailed over Martin in a five-month court battle over Martin's independence that brought in the Justice Department's senior civil litigator. The ombudsman had been roundly critical of Whitman's Superfund settlements involving toxic waste sites owned by Citigroup, in which she is a major stockholder and in which her husband, John, is a principal.

Martin had opened three investigations into citizen complaints about EPA conduct in the Spokane/Coeur d'Alene River Basin.

Haynes and Sturgell initiated the legal action to protect Martin's job. It started in Smelterville, then spread to Pinehurst and other cities up the Silver Valley. Only the city of Kellogg, and Shoshone County government, declined to join the suit.

"This is an extremely big blow to us to have to dismiss this lawsuit. It's unfortunate we couldn't have spoken with one voice," Haynes said.

"This is a stinko thing."

Sturgell said the cities would need to raise another \$10,000 to \$15,000 in legal fees to defend against an EPA motion to throw their action out of court, and he advised them not to spend the money.

"If we'd had more people who had been courageous, we



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Silver Valley cities drop suit against EPA

Lack of county support, money forced move to dismiss, attorney says

By DAVID BOND,
Staff writer

SILVER VALLEY — Seeing no hope that the EPA can be forced by a federal court to police itself, five Silver Valley communities have dropped

their suit asking U.S. District Court Judge Edward Lodge to intervene on their behalf to preserve former National Ombudsman Robert Martin's job.

The move to dismiss was forced upon them by a lack of money and a lack of support from Shoshone County Commissioner Chairwoman Sherry Krulitz, said attorney Jay Sturgell.

"Sherry Krulitz did not help us and did not help Bob Martin's cause,"

Sturgell said.

"What we would be forced to do is defend the new ombudsman, appointed by (EPA Administrator Christine Todd) Whitman to replace Ombudsman Robert Martin. This new appointment is not going to help us," said Sturgell, the attorney representing Wallace, Mullan, Osburn, Smelterville and Pinehurst in the action against EPA.

"Martin has been replaced by a hostile administration," Sturgell said.

"I wish we'd had the county on board with us."

Sturgell and Lee Haynes, a city planner for Smelterville and Pinehurst, said their decision was influenced by Krulitz's unwillingness to join the suit.

"Smelterville took the lead and others came along, but if we'd had our top government — the county — involved in moving forward, we at least could have hung together, instead of hanging separately," said Haynes, who is a can-

didate for Shoshone County assessor.

Martin resigned his ombudsman's post last month in protest of Whitman's dissolution of his office and his reassignment to the EPA's Office of Inspector General. Martin complained that he would be relegated to answering a hotline and not investigating, or resolving, citizen complaints about the federal government's most powerful regulatory agency.

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It comes down to free new storm drains, said Commissioner Jim Vergobbi.

"EPA promised folks that if they could continue doing their thing here, we would receive new storm drains. If we joined the suit, we're not going to get the storm drains, they'd leave town, and they're going to be a little bit pissed off about this," Vergobbi said.

Cantamessa said he personally supported the suit, but felt fighting the EPA is hopeless.

"I don't know what kind of solidarity we would need to have that the EPA could not find a way to legally maneuver around us," he said.

The U.S. Senate tentatively has scheduled a June 25 hearing on the future of Martin's position.

might still have an ombudsman who is willing to fight for us. We fought the good fight and I just wish more people had the courage to stand up for our community," Sturgell said.

Krulitz was out of town at a national county commissioners' meeting and could not be reached for comment.

However, Shoshone County's other two commissioners defended her decision not to participate in the suit while saying they supported it in spirit.

"We didn't have a good feeling that this case was winnable and that our participation would be used against us by the EPA in our future attempts to get things done here in a more reasonable manner," said Commissioner Jon Cantamessa.

